

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 BERNADINE MORIMOTO, as personal  
5 representative of the Estate of Abygaile  
B.; EMBER B., and KARRIAH M.,

6 Plaintiffs,

7 v.

8 RICHARD WHITLEY, et al.,

9 Defendants.  
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Case No. 2:17-cv-01774-APG-GWF

**ORDER FOR SUPPLEMENTAL  
BRIEFS**

11 Defendants Hopelink of Southern Nevada, James Hardee, Clark County, Donald Burdette,  
12 and Timothy Burch move to dismiss on the basis that the real party in interest is not before the  
13 court because the suit was brought by Bernadine Morimoto on behalf of her three minor  
14 grandchildren but Bernadine does not have legal custody of the children. ECF Nos. 30, 31. The  
15 plaintiffs respond, in part, that while the children's mother has legal custody, they request  
16 Bernadine be appointed guardian ad litem for purposes of this lawsuit because the mother is in the  
17 Air Force and may have to deploy at any time. ECF Nos. 32, 38.

18 The parties have not sufficiently addressed whether Bernadine is an appropriate appointee  
19 for the deceased child. Bernadine identifies herself in the complaint as "representative of the  
20 Estate of Abygaile B." ECF No. 1 at 3. But there is no indication that an estate has been created  
21 for Abygaile or that Bernadine is the court-appointed estate representative. I therefore will direct  
22 the plaintiffs to file a supplemental brief addressing whether Bernadine has been appointed as the  
23 representative of Abygaile's estate and, if not, whether she needs to be.

24 IT IS THEREFORE ORDERED that on or before April 4, 2018, the plaintiffs shall file a  
25 supplemental brief addressing whether Bernadine Morimoto has been appointed as the  
26 representative of Abygaile's estate and, if not, whether she needs to be.  
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1 IT IS FURTHER ORDERED that the defendants may file a response on or before April  
2 18, 2018.

3 DATED this 19th day of March, 2018.

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6 ANDREW P. GORDON  
7 UNITED STATES DISTRICT JUDGE  
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